

# **EXHIBIT B-2**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

FRESHUB, INC. and FRESHUB, LTD.,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation,  
AMAZON.COM SERVICES LLC, a Delaware  
Limited Liability Company, PRIME NOW, LLC, a  
Delaware Limited Liability Company, and WHOLE  
FOODS MARKET SERVICES, INC., a Texas  
Corporation,

Defendants.

Case No. 6:21-CV-511-ADA

**DEFENDANTS' AMENDED TRIAL WITNESS LIST**

Defendants expect to call at trial the percipient and expert witnesses identified below. Defendants may call individuals listed on Freshub's trial witness list, as well as individuals necessary for rebuttal. Defendants intend to cross-examine any witnesses Freshub presents and reserve the right to adjust the order and manner in which they present witnesses based on Freshub's case. In addition, Defendants may present deposition testimony, including in the event that any of the individuals listed below as witnesses that Defendants intend to call become unable to attend trial or are otherwise unable to provide live testimony.

No.	Witness	Will Call [live or by depo] <sup>1</sup>	May Call [live or by depo]	Est. Time (Hrs.)	Freshub's Objections
1	Nikko Strom	x		1.0	
2	John Love	x		0.75	
3	Jason Buechel		x	0.5	
4	Rajiv Mehta		x	0.25	
5	Paul Smart	x (by deposition)	x	0.25	
6	Meir Zohar	x (by deposition)		0.5	
7	David Weiss	x (by deposition)		.25	
8	Adesh Desai	x		0.75	
9	Dr. Michael Johnson	x		2.5	

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<sup>1</sup> Defendants expect the listed witnesses to be available for live testimony, but due to the prevailing pandemic and the potential for circumstances beyond Defendants' control, Defendants reserve the right to designate witnesses and present their testimony by deposition should the need arise. The COVID-19 pandemic and various restrictions relating to it may also impact the order in which Defendants present witnesses and the manner in which it presents them.

<b>No.</b>	<b>Witness</b>	<b>Will Call [live or by depo]<sup>1</sup></b>	<b>May Call [live or by depo]</b>	<b>Est. Time (Hrs.)</b>	<b>Freshub's Objections</b>
10	W. Christopher Bakewell	x		1.0	

### **FRESHUB'S OBJECTIONS TO DEFENDANTS' WITNESSES**

To the extent Defendants assert that they intend to present deposition testimony in lieu of live testimony for any of the witnesses above, Freshub objects as Defendants have not established that the witnesses are unavailable pursuant to Fed. R. Civ. P. 32(a)(4). Furthermore, Freshub objects to Defendants' assertion that it may call individuals on Freshub's witness list or individuals necessary for rebuttal as Defendants have not identified the witnesses pursuant to the Court's scheduling order. Moreover, Freshub objects to the testimony of any witness that is prohibited pursuant to an order from the Court or agreement between the parties. Freshub reserves the right to modify, amend or supplement these objections throughout the balance of this case and/or in response to rulings by the Court (including any pending motions).

Dated: June 4, 2021

Respectfully submitted,

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